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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF QWEST)
CORPORATION'S PETITION) CASE NO. QWE-T-08-07
FOR APPROVAL OF NON-IMPAIRED)
WIRE CENTER LISTS PURSUANT TO)
THE TRIENNIAL REVIEW REMAND)
ORDER)
_____)

REBUTTAL TESTIMONY OF RACHEL TORRENCE
QWEST CORPORATION

JUNE 10, 2009

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ATTACHED EXHIBITS

1

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Confidential Qwest Exhibit 11.....Letter to Wire Center Personnel

CASE NO. QWE-T-08-07

6/10/09

TORRENCE, R (Di-Reb) 3

QWEST CORPORATION

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I. IDENTIFICATION OF WITNESS

Q: PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION WITH QWEST CORPORATION.

A: My name is Rachel Torrence. My business address is 700 W. Mineral Ave., Littleton, Colorado, 80120. I am employed as a Director supporting Network Operations for Qwest Corporation.

Q: DID YOU PREVIOUSLY FILE DIRECT TESTIMONY IN THIS DOCKET?

A: Yes. I filed Direct Testimony in this docket on behalf of Qwest Corporation on April 17, 2009.

1 will correct these mischaracterizations and reinforce the validity of Qwest's methodology
2 to identify and count fiber-based collocators and the results of Qwest's efforts.

3 Additionally, I will respond to the Joint CLECs' assertion that Qwest should be
4 required to provide "advance notification" to CLECs when a wire center is nearing a non-
5 impairment threshold. My testimony will show that such notification is immaterial and
6 unnecessary and seeks to impose an undue requirement on Qwest for no benefit to Qwest,
7 or for that matter, the CLECs.

8 Finally, I will respond to Mr. Denney's request regarding a provision in the
9 Settlement Agreement addressing "express fiber."

10 While I am responding to the fiber-based collocation element of Qwest's
11 methodology, Ms. Albersheim's testimony will respond to Mr. Denney's testimony
12 regarding the multi-state settlement agreement and the business line-count methodology
13 and Ms. Hunnicutt will respond to Mr. Denney's testimony regarding the conversion
14 charge.

1 **III. THE JOINT CLECs DO NOT DISPUTE THE NON-IMPAIRMENT**
2 **STATUS OF THE BOISE MAIN AND BOISE WEST WIRE CENTERS**
3
4

5 **Q: DO MR. DENNEY AND THE JOINT CLECs DISPUTE THE NON-**
6 **IMPAIRMENT STATUS OF THE TWO IDAHO WIRE CENTERS AT ISSUE IN**
7 **THIS DOCKET?**

8 A: No. In fact, on page 41, lines 4-6, of his direct testimony, Mr. Denney
9 states:

10 Both the Tier 1 status for Boise Main and The Tier 2 status for Boise West
11 currently appear to be supported by the number of fiber-based collocators in those
12 offices.
13

14 Later in his testimony, on page 42, lines 5-8, he provides further confirmation of the
15 accuracy of Qwest's data.

16 Based upon a review of the fiber-based collocation data provided by Qwest, it
17 currently appears that Qwest has at least four fiber-based collocators in Boise
18 Main and at least three in Boise West, which would support Qwest's request for
19 Tier 1 and Tier 2 status respectively.
20

21 **Q: SINCE THERE IS NO DISPUTE REGARDING THE NON-**
22 **IMPAIRMENT STATUS OF THESE TWO WIRE CENTERS, WHAT ARE MR.**
23 **DENNEY'S PURPORTED CONCERNS?**

24 A: Simply stated, the Joint CLECs attack the methodology by which Qwest
25 has identified and counted the fiber-based collocators on which the non-impairment

1 status is based. Additionally, while one of the Joint CLECs, Integra, was a signatory to
2 the Multi-State Settlement Agreement regarding Wire Center Designations and Related
3 Issues (“the Settlement Agreement”) which memorialized Qwest’s and numerous
4 CLECs’ agreement on the methodology for identifying and counting fiber-based
5 collocators, and the parameters for future non-impairment filings, the Joint CLECs
6 apparently would like to have that methodology readdressed in Idaho. The Joint CLECs
7 would have this methodology reexamined, despite the fact that the use of this
8 methodology has resulted in an accurate count of fiber-based collocators in Idaho and
9 numerous other states. They would have this methodology reexamined despite the fact
10 that it has been accepted by numerous other state commissions in Qwest’s ILEC region.
11 Further, they would have the methodology reexamined despite the fact that Qwest makes
12 every reasonable effort to obtain an accurate count, not in a unilateral vacuum, but by
13 actively soliciting the affected CLECs’ participation. In short, the Joint CLECs are
14 essentially asking that all parties, including this Commission, “reinvent the wheel” not
15 only for this proceeding, but for any subsequent updates to the non-impairment list.
16 Thus, it appears that the Joint CLECs are seeking to increase the chance of maintaining
17 the status quo of impairment by seeking to insert additional complexity into what the
18 FCC intended to be a largely simple and self-effectuating process for identifying
19 competition in a telecommunications market.

1 **IV. QWEST'S CURRENT PROCESS YIELDS ACCURATE RESULTS**

2
3 **Q: MR. DENNEY CLAIMS THE JOINT CLECs HAVE FIVE MAJOR**
4 **AREAS OF CONCERN WITH QWEST'S METHODOLOGY FOR**
5 **IDENTIFYING FIBER-BASED COLLOCATORS. WHAT IS YOUR GENERAL**
6 **RESPONSE?**

7 A: Mr. Denney purports to have concerns with five aspects of the
8 methodology that Qwest uses to identify and count fiber-based collocators. His concerns
9 center on (1) the distribution and use of Qwest's letter to CLECs regarding their fiber-
10 based collocations, and Qwest's actions when a CLEC fails to respond to Qwest's
11 requests for validation of its findings, (2) Qwest's instructions to field personnel
12 regarding collocation verification and the validity of the collocation verifications, (3) the
13 counting of CLEC-to-CLEC connections, (4) the advance notification of impending non-
14 impairment and (5) a Settlement Agreement provision regarding express fiber. Generally
15 speaking, however, Mr. Denney's concerns are unfounded. His testimony relies on
16 mischaracterizations of Qwest's actions and intentions. His testimony also contradicts
17 itself. And, finally, his testimony shows a tendency to either ignore the language of the
18 *TRRO*, or to bend that language in the order to benefit the interests of the Joint CLECs.
19 I will address each of his five concerns individually and in greater detail in the following
20 five subsections.

1 **A. QWEST'S LETTERS TO CLECs REQUESTING VALIDATION OF ITS**
2 **FINDINGS ARE A REASONABLE ATTEMPT TO SOLICIT CLEC**
3 **PARTICIPATION**
4

5 **Q: IN HIS DIRECT TESTIMONY, MR. DENNEY TAKES ISSUE**
6 **WITH QWEST'S METHODOLOGY IN THE EVENT THAT A CLEC ELECTS**
7 **NOT TO RESPOND TO QWEST'S LETTER ASKING FOR VALIDATION OF**
8 **THE CLEC'S DESIGNATION AS A FIBER-BASED COLLOCATOR. HOW DO**
9 **YOU RESPOND?**

10 A: Mr. Denney's testimony completely mischaracterizes Qwest's position
11 and its actions in the event that a CLEC *chooses* not to respond to Qwest's inquiries.
12 First, at page 43, footnote 62, Mr. Denney erroneously cites my testimony, misstating that
13 "Qwest counted a carrier as a fiber-based collocator even if a carrier failed to confirm this
14 status." He also erroneously states at page 42, footnote 60, that in the absence of a CLEC
15 response, Qwest interprets the non-response as CLEC agreement, rather than a CLEC
16 dispute. With these misstatements, he wrongly insinuates that Qwest's letters to CLECs
17 play no serious role in determining the count of fiber-based collocators. This could not
18 be further from the truth.

19 In developing its process for identifying and counting fiber-based collocators,
20 Qwest wanted to ensure that it made every reasonable effort to arrive at an accurate
21 number of fiber-based collocators in a given wire center. Recognizing that the only

1 definitive proof regarding a collocator's status can only come for the collocator itself,
2 Qwest sought to obtain that proof via a letter requesting not only validation of a CLEC's
3 status as a fiber-based collocator as the FCC defined it in the *TRRO*, but also the CLEC's
4 affiliations with other carriers, and the terms under which it may be obtaining facilities.
5 That information was then incorporated into Qwest's count.

6 If a collocator presents Qwest with information that it is not a fiber-based
7 collocator for any of the reasons outlined in the request letter, such information is further
8 investigated and, when necessary and appropriate, the CLEC is removed from the list.
9 However, when a carrier has chosen not to respond to Qwest's inquiry letter, whether or
10 not it remains on the list of fiber-based collocators depends on various factors. For
11 example, if Qwest obtains sufficient evidence, gained independently of the collocator's
12 affirmation that it is a fiber-based collocator, the collocator remains on the list. If there is
13 insufficient evidence of a CLEC's status as a fiber-based collocator, regardless of
14 whether the collocator has or has not responded to Qwest's letter, that collocator would
15 not have been included on the list of fiber-based collocators. Qwest does not believe that
16 a fiber-based collocator's choice not to respond to Qwest's request for information should
17 be sufficient reason for it to be removed from Qwest's list of fiber-based collocators,
18 especially if Qwest is already in possession of other substantiating evidence that the
19 CLEC is indeed a fiber-based collocator. Otherwise, there would be absolutely no
20 incentive for any CLEC to respond to Qwest's letter. After all, a CLEC's failure to

1 respond may be a purposeful attempt to avoid being designated a fiber-based collocator
2 for *TRRO* non-impairment purposes. It is certainly logical, therefore, to assume, as the
3 FCC directed, that a carrier *is* a fiber-based collocator as defined in the *TRRO* when,
4 despite the fact that a collocator chose not to respond, Qwest can provide independent
5 evidence that: (1) the carrier is occupying a collocation space, (2) the carrier is being
6 billed, and is paying, for that space, as well as for power to that space, (3) the collocation
7 has fiber facilities entering and terminating in that space, and (4) those fiber facilities
8 leave the central office.

9

10 **Q: PLEASE RESPOND TO MR. DENNEY'S CONCERNS**
11 **REGARDING QWEST'S LETTERS BEING APPROPRIATELY ROUTED TO**
12 **THE APPROPRIATE INDIVIDUALS.**

13 A: Like the Joint CLECs, Qwest also believes it is important that its requests
14 for validation are sent and routed to the appropriate individuals within the companies that
15 Qwest sends these letters to. As such, Qwest makes every reasonable effort to ensure that
16 the letters are sent to the appropriate CLEC personnel. Qwest sends its letters to the
17 contact of record for a particular CLEC collocator, and the letters are sent in compliance
18 with the provisions in each CLEC's specific interconnection agreement regarding
19 notifications. For a few collocators, Qwest has received specific instructions regarding
20 who is to receive this type of request, and Qwest sends these letters to them accordingly.

1 In isolated instances, however, the letters have been inadvertently misdirected, but Qwest
2 certainly has made every reasonable effort to reroute them to the correct individual, and
3 has made alternate accommodations for responding when requested by a CLEC.

4 In his testimony, Mr. Denney also complains that despite his ongoing
5 involvement with non-impairment dockets before other state utility commissions in
6 Qwest's region, he has not been included in the distribution of these letters, presumably
7 to his employer, Integra. I do note, however, that Mr. Denney never claims that Integra
8 did not receive the letter in question for Idaho.

9 Again, however, these letters are sent to the each CLEC's contact of record and
10 are sent in compliance with provisions of the specific interconnection agreement for his
11 particular employer, Integra, as with all other CLECs. I am not aware that Mr. Denney
12 ever made any request to be the recipient of these letters to Integra in the past or going
13 forward. Moreover, given his past and ongoing involvement in non-impairment dockets,
14 and his knowledge of my role in facilitating the count of fiber-based collocators and as a
15 witness in these types of dockets, I would have thought he would have at least contacted
16 me earlier in this (or other past) proceeding if he wanted to receive this letter. To my
17 knowledge he had never done so. And I do not believe that Qwest was somehow
18 obligated to anticipate that Mr. Denney wanted to be the contact person for Integra
19 simply because he has been involved in these non-impairment proceedings in the past.

